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C O N F I D E N T I A L SECTION 01 OF 02 ABUJA 000080

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STATE FOR INR/AA

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TAGS: [PGOV](#) [KISL](#) [PHUM](#) [NI](#)  
SUBJECT: SHARIA: POTENT, HERE TO STAY

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Classified By: Political Counselor Russell J. Hanks for reasons 1.4 (b & d)

¶1. (C) SUMMARY: In December 30-31 meetings, Kano-based Bayero University academics Sani Zaharadeen and Zainab Kabir discussed training for Sharia court judges and public perceptions of Sharia implementation in the North. According to Islamic Studies Chair Sani Zaharadeen, the training given to Sharia court judges is inadequate and potentially divisive. Another academic, Lecturer of Sociology Zainab Kabir, downplayed the Sharia's political significance in 2007 elections and noted the Sharia's wide popularity despite growing dissatisfaction with its implementation. While expectations for the Sharia's ability to address corruption and maldistribution of wealth have not been met, no other legal system will be acceptable en lieu of the Sharia's historical and political importance for the North. END SUMMARY.

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Judge Training Outmoded, Inadequate  
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¶2. (C) Islamic Studies Chair and former Vice Chancellor of Bayero University, Sani Zaharadeen, provided insight into training for Sharia court judges. He noted that Sharia court judges acquire their introductory legal training through one of the larger secular universities in Nigeria, including Bayero, Ibadan, Jos, and Ilorin. The faculties of law, which subsumed formerly independent Islamic legal training centers and whose primary focus is English common law, are modeled after those in Sudan or Pakistan. The five year Sharia curriculum introduces students to the roots of jurisprudence (known as usul ul-fiqh), as found in the Maliki School of Law, after which students specialize in one area of personal law (i.e. inheritance, divorce) for an additional year. The extent of legal study does not go beyond a few formative texts in the early Maliki legal tradition dated to the 7-10th centuries. (NOTE: The import of this is not merely academic. Some of the more controversial legal pronouncements such as pregnancy as evidence of adultery, although abrogated by later Maliki scholars, continue unchallenged. Challenging such evidentiary bases either by later jurisprudence or modern DNA testing is exceedingly difficult, if not moot. END NOTE.)

13. (C) Some students also acquire advanced training in Saudi Arabia or Egypt. Zaharadeen highlighted that these students, in particular, are known to "come back to Nigeria with very extreme ideas." After specialization, all aspiring judges shadow Sharia appellate court judges and learn on the job. They typically achieve the status of judge upon their mentor's retirement. Other centers of Islamic legal training persist in more informal settings such as teachers' residences. Since the formal education sector cannot absorb these students, who are poorer and less adept, they often form the ranks of the hisba militia. Their education is supplemented by pamphlets brought in from the Middle East.

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Implementation Lackluster, but Popularity Persists  
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14. (C) Bayero University Lecturer of Sociology, Zainab Kabir, spoke about Sharia implementation in the North. She noted that the 1999 clamor for the expansion of the Sharia's jurisdiction ) to cover all matters civil and criminal - was welcomed for a variety of reasons. Foremost among them was the need for "swift and fair justice," which many believed could only be meted out through the Sharia. In an attempt to "administer justice quickly," Kabir noted, Zamfara and Kano States purchased amputation machines, costing 3 million USD, from Japan. The States' Sharia Implementation Councils believed this would sway public opinion.

15. (C) With time, however, many ardent supporters of the Sharia criminal code became disenchanted with lackluster results, rampant corruption, and perceptions that poorer Nigerians were targeted disproportionately. They believed the Sharia would also ensure equitable wealth distribution mediated through more transparent, efficient zakat (alms) statutes. Instead, many contend that the Sharia is being

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manipulated by the powerful and that wealth distribution has become less equitable. This did not mean, though, that the common law system practiced at the federal and state level throughout Nigeria provided a "more acceptable form" of justice. In fact, Kabir remarked, the issue is about reform not about "scrapping the Sharia itself." Although the issue of the Sharia's expanded jurisdiction was politicized in 1999 by Zamfara State Governor Sani Ahmed Yerima, it worked against him and likely "cost him the ANPP ticket." She added that this showed that the Sharia "cannot be used for politicking again."

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Sharia: Potent, Divisive and Here to Stay  
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16. (C) COMMENT: The excitement surrounding the expansion of Sharia jurisdiction in 1999 has given many aspiring Sharia court judges and wannabes (i.e. hisba) a new lease on life, restoring prestige and employment opportunities to the profession. Despite endemic corruption which the Sharia was meant to address and the overall inability of the zakat statutes to eradicate maldistribution of wealth, the Sharia continues to be vested with tremendous hope, esteem, and potency to address economic and moral crisis. Alternatives to the Sharia legal system will remain difficult, given the historical and political significance of the Sharia to northern Nigerians. The training for Sharia court judges is clearly outmoded, insufficient, and disjointed, underscoring the potential for competing interpretations of law to sow divisiveness. The popular call for swift administration of justice also means that abuse is rampant. Our knowledge of Sharia implementation, which is critical to a deeper understanding of sociopolitical trends in the North, needs to be expanded through continued investigation in this difficult, yet important, area. END COMMENT.  
CAMPBELL